

AMENDED IN SENATE MAY 3, 2006

SENATE BILL

No. 1652

Introduced by Senator Vincent

February 24, 2006

An act to amend ~~Section 81130.3~~ *Sections 81378 and 81378.1* of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1652, as amended, Vincent. Community colleges: facilities: *leases*.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

~~Existing law requires the Department of General Services to supervise the design and construction of certain school buildings, including specified community college facilities, to ensure that plans and specifications comply with specified structural safety standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law also requires the department to pass upon and approve or reject all plans for the construction, and in some cases, the alteration, of any school building subject to those provisions, and to inspect the school buildings and work of construction or alteration that in its judgment is necessary or proper for the enforcement of these requirements and the protection of~~

~~the safety of the students, the instructors, and the public. These requirements are part of the body of law known as the Field Act.~~

~~This bill would make a technical, nonsubstantive revision in a provision of the Field Act that relates to community colleges.~~

Existing law authorizes the governing board of a community college district to lease certain property not needed for school classroom buildings for a period not exceeding 5 separate or consecutive calendar days, or portions of those days, in each fiscal year. Existing law also authorizes the governing board to lease certain property not needed for academic activities, for a period of more than 5 days but less than 5 years, as determined by the governing board.

This bill would authorize the lease of property not needed for school classroom buildings for a period not exceeding 14 separate or consecutive calendar days, or portions of those days, in each fiscal year. The bill would authorize the lease of property not needed for academic activities for a period of more than 14 days but less than 5 years.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 81378 of the Education Code is
2 amended to read:

3 81378. The governing board of a community college district
4 ~~may~~, without complying with any other provision of this article,
5 ~~let may lease~~ in the name of the district any buildings, grounds,
6 or space therein, together with any personal property located
7 thereon, not needed for school classroom buildings upon ~~such~~
8 terms and conditions ~~as may be~~ agreed upon by the governing
9 board of the district and the lessee ~~thereof~~ for a period not
10 ~~exceeding five~~ 14 separate or consecutive calendar days, or
11 ~~portions thereof~~ of those days, in each fiscal year.

12 SEC. 2 Section 81378.1 of the Education Code is amended to
13 read:

14 81378.1. (a) The governing board of a community college
15 district ~~may~~, without complying with any other provision of this
16 article, ~~let may lease~~ in the name of the district any buildings,
17 grounds, or space therein, together with any personal property
18 located thereon, not needed for academic activities, upon ~~the~~

1 terms and conditions agreed upon by the governing board and the
 2 lessee for a period of more than ~~five~~ 14 days but less than five
 3 years, as determined by the governing board. The fair market
 4 value of the lease of any buildings, grounds, or space therein,
 5 together with any personal property located thereon, ~~let leased~~
 6 pursuant to this section shall not exceed twenty-five thousand
 7 dollars (\$25,000) per year, as certified by the governing board.
 8 ~~Prior to~~ Before executing the lease, the governing board shall
 9 include in an agenda of a meeting of the board open to the public
 10 a description of the proposed lease and an explanation of the
 11 methodology used to establish the lease rate and for determining
 12 the fair market value of the lease.

13 (b) The governing board shall give public notice ~~prior to~~
 14 before taking any action pursuant to subdivision (a). The notice
 15 shall include a description of the governing board's intended
 16 action. The notice shall be printed once a week for three
 17 successive weeks ~~prior to~~ before the board meeting described in
 18 subdivision (a) in a newspaper of general circulation that is
 19 published at least once a week.

20 (c) The governing board shall include as a condition in any
 21 agreement to ~~let lease~~ any buildings, grounds, or space therein,
 22 together with any personal property located thereon, a provision
 23 that the agreement shall be subject to renegotiation and may be
 24 rescinded after 60 days' notice to the lessee if the governing
 25 board determines at any time during the term of the agreement
 26 that the buildings, grounds, or space therein subject to the
 27 agreement are needed for academic activities. Any revenue
 28 derived pursuant to the agreement shall be retained for the
 29 exclusive use of the community college district whose buildings,
 30 grounds, or space therein are the basis of the agreement and shall
 31 be used to supplement, but not supplant, any state funding. Any
 32 buildings, grounds, or space therein, ~~let leased~~ by the district
 33 shall be included as space actually available for use by the
 34 college in any calculations related to any plan for capital
 35 construction submitted to the board of governors pursuant to
 36 Chapter 4 (commencing with Section 81800) or any other law.

37 (d) The authority of a governing board under this section does
 38 not apply to the ~~letting~~ lease of an entire campus.

39 (e) The use of any buildings, grounds, or space therein,
 40 together with any personal property located thereon, ~~let leased~~ by

1 the governing board pursuant to this section shall be consistent
2 with all applicable zoning ordinances and regulations.

3 ~~SECTION 1. Section 81130.3 of the Education Code is~~
4 ~~amended to read:~~

5 ~~81130.3. This article, together with Article 3 (commencing~~
6 ~~with Section 17280) and Article 6 (commencing with Section~~
7 ~~17365) of Chapter 3 of Part 10.5, shall be known, and may be~~
8 ~~cited, as the “Field Act.”~~